

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIE TAMARA THOMAS,

Plaintiff,

11 Civ. 1490 (LLS)

- against -

ORDER

THE HARTFORD LIFE INSURANCE COMPANY OF
AMERICA, and THE GROUP LONG TERM
DISABILITY PLAN FOR THE EMPLOYEES OF
JPMORGAN CHASE BANK,

Defendants.

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By order dated December 21, 2012, I denied defendants' motion for summary judgment, and remanded this claim to Hartford for reconsideration.

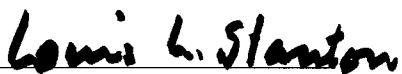
Defendants move for reconsideration of my order.

Defendants' elaborate statement of the investigation conducted by Hartford does not obscure the fact that Hartford's selection of a generalized market job description from the DOT was based on a model which was sedentary, and therefore produced a DOT analog which was also sedentary. The basic sedentary model rested on Mr. Rosato's appraisal of Ms. Thomas' occupation, and its accuracy and reliability were undercut by his inconsistent response and dismissive attitude when questioned about the related issue of the number of hours Ms. Thomas worked. Nevertheless, Mr. Rosato's description was adopted by Hartford, based upon an inquiry to Ms. DuPuy of

Chase, who simply forwarded Mr. Rosato's original appraisal in response. Hartford's written decision left the adoption of Mr. Rosato's original (discredited) appraisal and the rejection of Ms. Thomas' description of her work unexplained.

Defendants' motion for reconsideration is granted, and on reconsideration, the original determination is adhered to.

Dated: New York, New York
March 1, 2013



Louis L. Stanton
U.S.D.J.